

ORIGINAL
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

2009 SEP -4 AM 11:52

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B. West

CHARLES D. HALL, SR.,)
)
)
Plaintiff,)
)
v.) Civil Action File No: 4:09-CV-57-WTM
)
84 LUMBER COMPANY, DARREN)
RICHARDSON, and KEITH CONNOR,)
)
)
Defendants/Third Party Plaintiffs,)
)
v.)
ROBERT VINAL and ROBERT C.)
VINAL, INC.,)
)
)
Third Party Defendants.)

MOTION TO INTERVENE

Pursuant to Fed. R. Civ. P. 24, American Home Assurance c/o AIU Holdings, Inc. (“American Home”), by and through counsel, hereby moves for leave to intervene as a Plaintiff to assert its subrogation lien, as set forth in the proposed Complaint for Intervention. (See Exhibit “A”). This Motion is based on the following grounds:

1.

American Home has paid \$41,942.31 in medical and indemnity benefits to Plaintiff Charles D. Hall, Sr. (“Hall”) and American Home claims an interest relating to the property or transaction that is the subject of this litigation. American Home is so situated that disposition of the action may, as a practical matter, impair or impede American Home’s ability to protect that interest, and American Home’s interest are not adequately represented by the existing parties.

2.

American Home's claim presents questions of law and fact that are common to this action.

3.

A supporting Brief, proposed Complaint for Intervention, and proposed Order granting the Motion are attached.

WHEREFORE American Home requests that this Court Grant its proposed Order and allow American Home to intervene as party Plaintiff in this action.

Respectfully submitted,

DREW, ECKL & FARNHAM, LLP



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5888-73155

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a copy of **MOTION TO INTERVENE** on all counsel by placing same in the United States Mail, with proper postage thereon, addressed as follows:

G. Brinson Williams
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Hinesville, Georgia 31310

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Exhibit A

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COMPLAINT FOR INTERVENTION

COMES NOW American Home Assurance c/o AIU Holdings, Inc. ("American Home"), by and through counsel, and hereby files the following Complaint for Intervention.

1.

The named Defendants are properly subject to the jurisdiction of this court and may be served with process as specifically set forth and identified in Plaintiff's Complaint.

2.

As set forth in Plaintiff's Complaint, Plaintiff Charles D. Hall, Sr, ("Hall") has alleged that he suffered an injury to his person while in the course and scope of his duties as an employee of Robert C. Vinal, Inc ("Vinal").

3.

As of September 1, 2009, American Home has paid at least \$41,942.31 in medical and indemnity benefits to Plaintiff Hall, with additional payments accruing.

4.

All payments made by American Home to Plaintiff Hall were required by law.

5.

Defendants were responsible for the injury to Plaintiff Hall.

6.

Pursuant to Georgia Worker's Compensation Act and O.C.G.A. § 34-9-11.1(b), American Home has a subrogation lien up to the actual amount of compensation paid against any recovery by Plaintiff in this action.

WHEREFORE American Home shows that if Plaintiff Hall recovers any damages, those damages should be apportioned so that American Home can recover its claim for all medical and indemnity benefits as entitled by law.

Respectfully submitted,

DREW ECKL & FARNHAM, LLP


Eric R. Mull
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Attorney for American Home Assurance c/o AIU Holdings, Inc.

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Edenfield, Cox, Bruce & Classens
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Statesboro, Georgia 30459

This 2 day of September, 2009.


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